

PATENT COOPERATION TREATY

PCT

REC'D 28 FEB 2005

WIPO

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 47300+A	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/T2004/000149	International filing date (day/month/year) 24.03.2004	Priority date (day/month/year) 31.03.2003	
International Patent Classification (IPC) or national classification and IPC H04B3/54, H04L12/403			
Applicant MAGNETEK S.P.A. et al			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand 26.10.2004	Date of completion of this report 24.02.2005
Name and mailing address of the International Preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Lastoria, G Telephone No. +49 89 2399-7339



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IT2004/000149

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-29 as originally filed

Claims, Numbers

1-84 as originally filed

Drawings, Sheets

1/9-9/9 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

- The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
- This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/IT2004/000149

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-84
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-84
Industrial applicability (IA)	Yes: Claims	1-84
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.
PCT/IT2004/000149

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US-A-4 692 761 (ROBINTON MICHAEL A) 8 September 1987 (1987-09-08)
D2: WO 00/23966 A (BRIESEMEISTER LINDA; DAIMLER CHRYSLER AG (DE)) 27 April 2000 (2000-04-27)
D3: WO 03/010896 A (MAIN NET COMM LTD; EFRATI OFIR (IL); ZALITZKY YESHAYAHU (IL)) 6 February 2003 (2003-02-06)

2. Document **D1** (see in particular column 1, line 62 to column 2, line 2; column 6, line 29 to column 7, line 15; column 7, line 59 to column 9, line 56; tables 1 and 2A; column 56, line 24 to column 64, line 64; figures 1 to 3 and 25 to 27) discloses, according to the main features of **claim 1**, a communication method between a collecting unit (see column 6, line 66 to column 7, line 1; see also "24" in figure 2) and a plurality of control devices (see column 6, line 66 to column 7, line 1; see also "26a" to "26m" in figure 2), each of which is associated with at least an electrical device (see column 6, lines 63 to 65; see also figure 3), via a communication channels, wherein messages are exchanged between said collecting unit and said control devices (see column 7, lines 49 to 62), each of said message containing at least:
 - a progressive message number (see table 1, column 15, lines 3 and 5);
 - an addressee identification number (see table 1, column 15, lines 11 and 12);
 - a portion of informative content and/or executable commands (see table 1, column 15, line 15);wherein a specific identification number is assigned to each control device and to said collecting unit, said messages being addressable selectively to a specific control device via said addressee identification number (see in particular column 1, line 62 to column 2, line 2); and wherein a control device receives a message containing an addressee identification number differing from its own identification number (see column 56, lines 24 to 28) after a given delay interval (see in particular 884, 886 and 888 in

INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)

International application No.
PCT/IT2004/000149

figure 26) said control device generates and transmits on said channel at least one echo of said message (see column 56, lines 24 to 28)

The subject-matter of claim 1 differs from the disclosure of document D1 in that document D1 does not disclose that the message is not forwarded in case a reply was already received by the control device to which said message was addressed.

However, the inclusion of said feature in the method described in document D1 would be an **obvious design possibility** for the skilled person in order to solve the problem of preventing unnecessary transmission of messages.

Therefore, the subject-matter of claim 1 does **not** involve an inventive step, Article 33(1), (3) PCT.

3. The same considerations as made in above paragraph 2 regarding the method of claim 1 are also valid for **independent claims 33 and 64**, since said claims are based on the same feature combination as claim 1 in terms of a system and a control device implementing each of the steps of the method of claim 1.

The subject-matter of claims 33 and 64 therefore does **not** involve an inventive step, Article 33(1), (3) PCT.

4. **Dependent claims 2 to 32, 34 to 63 and 65 to 84** do not contain any additional features which, in combination with the features of the claims, to which they refer, are novel or involve an inventive step for the reason that the subject matter of said claims is **either** in principle directly derivable from the disclosure of document D1 or D2, **or** represents simple design details which are generally known to the person skilled in the field of packet communication systems.

Due to the above reasons, dependent claims 2 to 32, 34 to 63 and 65 to 84 do **not** meet the requirement of Article 33 PCT.

Re Item VII

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.
PCT/IT2004/000149

Certain defects in the international application

5. It is not at present apparent which part of the application could serve as a basis for a new set of claims meeting the requirements of Article 33 PCT. Should the Applicant nevertheless regard some particular matter as new and inventive, a single independent claim per category should be filed taking account of Rule 6.3 (b) PCT. The Applicant is requested to indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.

- 6.1 The ultimately adopted main claims should be drafted in the proper two-part "characterised" form recommended by Rule 6.3 (b),(I),(ii) PCT, having a preamble that correctly reflects the nearest prior art, presumably that represented by the above noted D1.

- 6.2 The opening part of the description should be brought into agreement with any independent claims (see Rule 5.1 (a) PCT).

- 6.3 To meet the requirements of Rule 5.1 (a) (ii) PCT, the most relevant prior art, i.e. documents D1 and D2, should be acknowledged by reference and briefly discussed in the introductory part of the description, preferably in such a way that the inventive merit of what is claimed can be readily understood.

- 6.4 Special care should be taken to avoid giving rise to further objections by the inadvertent addition of subject-matter (see Article 34.2 (b) PCT).

- 6.5 To facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the Applicant is requested to clearly identify the amendments carried out, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see also Rule 66.8(a) PCT).

- 6.6 The Applicant is requested to file amendments by way of replacement pages in the manner stipulated by Rule 66.8(a) PCT.

- 6.7 Any information the Applicant may wish to submit concerning the subject-matter of

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.
PCT/IT2004/000149

the invention, for example further details of its advantages or of the problem it solves, and for which there is no basis in the application as filed, should be confined to the letter of reply and not be incorporated into the application (see Article 34(2)(b) PCT).

6.8 Moreover, the Applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.

Re Item VIII

Certain observations on the international application

7. **Claims 1, 33 and 64** do not meet the requirements of Article 6 PCT in that the matter of which protection is sought is not defined. The claims attempt to define the subject-matter in terms of the result to be achieved (see claim 1, page 30, lines 19 and 20 "*...a routine being activated to prevent unlimited generation of echoes of a given message.*"). Such a definition is only allowable under the conditions elaborated in the PCT Guidelines, C-III, 4.7. In this instance, however, such a formulation is not allowable because it appears possible to define the subject-matter in more concrete terms, viz. in terms of how the effect is to be achieved.